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ABSTRACT

In late 1988 the University of Florida began the process of revising and updating its policy and educational programs on sexual harassment. At that time a task force was formed which reviewed the current policy and procedures and drafted a revised brochure on sexual harassment. This brochure was reviewed and redrafted and distributed to every student, faculty, and staff member in the fall of 1990. These elements were included in the sexual harassment policy and brochure: (1) explicit statement of policy against sexual harassment; (2) definition of sexual harassment; (3) how sexual harassment can be stopped or prevented; (4) reporting procedures; (5) how complaints are resolved; (6) confidentiality statement; (7) sanctions and policy against reprisals; (8) laws, rules, and regulations that forbid sexual harassment; (9) where information and help on sexual harassment questions and problems can be obtained; and (10) other information, including the policy concerning employee-student relationships. Because of the critical importance of administrators and supervisors in preventing, stopping, and dealing with sexual harassment, their education on the sexual harassment policy and complaint procedures was given high priority. Their responsibility of reporting, reviewing, and investigating complaints, taking corrective action to prevent sexual harassment, and educating other employees concerning sexual harassment policy was emphasized through the educational process conducted at the University of Florida. (ABL)

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SEXUAL HARASSMENT: DEVELOPMENT OF A UNIVERSITY'S POLICY AND EDUCATIONAL PROGRAMMING

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Sexual Harassment: Development of a University's Policy and Educational Programming

In late 1988 the University of Florida began the process of revising and updating its policy and educational programs on sexual harassment. At that time the University Provost formed a task force to review the University's sexual harassment policy with particular reference to the possible impact of the United States Supreme Court's decision in Meritor Savings Bank, FSB v. Vinson, 106 S.Ct. 2399 (1986). In this decision the Supreme Court recognized that a violation of Title VII of the Civil Rights Act may be based on either of two types of sexual harassment: 1) quid pro quo harassment in which an individual is required to submit to sexual demands as a condition of gaining or retaining employment or its benefits; or 2) intimidating, hostile, or offensive working environment sexual harassment. The task force did not confine itself to a review of the University's policy with regard to "intimidating, hostile, or offensive work environment" sexual harassment, however, but comprehensively reviewed the University policy and its procedures concerning sexual harassment complaints.

The task force was made up of University personnel who dealt with sexual harassment, the University's affirmative action officer, and representatives of colleges where there had been sexual harassment problems. The task force was chaired by the Associate Vice President of Student Affairs.

Following a general review of the current policy and procedures by all members of the committee, which included work in small groups, a revised University policy and a revised brochure on sexual harassment were drafted, and a report was submitted to the President and the Provost in July 1989.

The brochure was reviewed, circulated widely on campus, and redrafted during 1989 and 1990. It was printed and distributed to every student, faculty, and staff member in the fall of 1990.

Among the recommendations of the task force which were accepted by the President, the following should be noted: 1) revised reporting and complaint procedures; 2) explicit recognition of "hostile environment" sexual harassment in the policy and the brochure; 3) a policy regarding employee-student relationships; 4) implementation of a major educational program for the university community; and 5) the development of other educational devises, such as a new videotape explaining sexual harassment and a new NEXUS (a student "hotline" with 24-hour access) tape.

The following elements were included in the sexual harassment policy and brochure:

1. Explicit statement of policy against sexual harassment.
2. Definition of sexual harassment.
3. How sexual harassment can be stopped or prevented.
4. Reporting procedures.
5. How complaints are resolved.
6. Confidentiality statement.
7. Sanctions and policy against reprisals.
8. Laws, rules, and regulations that forbid sexual harassment.
9. Where information and help on sexual harassment questions and problems can be obtained.
10. Other information, including the policy concerning employee-student

relationships.

Certain aspects of the policy were of particular concern to various persons in a university community or proved to be problematic in implementation. Among areas of concern, for example, were reporting procedures. Supervisory personnel and others observing sexual harassment must be put on notice of the need to report. The victim should never have to complain first to an offending supervisor or faculty member. A variety of recipients of complaints should be available. The policy of the University of Florida allows complaints to be made to any faculty member, administrator, or supervisor, recognizing that the administrator and/or supervisor is ultimately and legally responsible for the University's actions.

In addition, the person who receives the complaint must be required to follow up on the complaint. As part of the educational process concerning the institution's sexual harassment policy, supervisors, administrators, and others who handle complaints must be taught the procedures concerning the review and investigation of complaints.

How complaints are resolved also proved to be an area of policy development that required careful consideration. In the past there were separate "informal" and "formal" procedures for dealing with sexual harassment complaints. Such differentiation can be confusing, can impede the investigation of complaints, and can prevent actions against the harasser. All complaints -- whether they be verbal, written, or anonymous -- should be dealt with. The differentiation in terms of formality occurs with regard to possible resolutions of complaints. Some possible resolutions are informal

in nature, such as a discussion between the victim, the accused, and the administrator, or counseling about what constitutes sexual harassment; others may involve formal procedures, such as termination or expulsion for cause. Of course, sexual harassment complaints can still be handled through whatever formal grievance or complaint procedures are generally available for any employee or student grievance, if that is the desire of the complainant. In addition, the complainant must be informed of the resolution of the complaint.

Nearly all persons who complain of sexual harassment have a high degree of concern for confidentiality. Although prohibition of access to information concerning a complaint of sexual harassment by those outside the institution is generally possible unless litigation ensues, confidentiality within the institution at all points in the handling of a complaint cannot be guaranteed. Institutional representatives generally need to know the name of the alleged victim and the alleged perpetrator in order to adequately assess and handle the complaint. Further, the name of the complainant cannot necessarily remain unknown to the alleged perpetrator or other witnesses. As part of the educational process for administrative and supervisory personnel and faculty members, one must discuss how to handle the victim's desire for confidentiality. The limits of confidentiality must be explained without discouraging the complainant from making the complaint.

Moreover, it should be pointed out that a student or employee who has been sexually harassed may not wish to make a complaint of sexual harassment, but may desire confidential counseling. If the student or employee avails himself or herself of these services on-campus, he/she is not "making a

complaint" to the institution, but rather is seeking counseling and therapeutic services. A university's policy should not imply that "complaints" flow through these services, although a therapist may assist the victim in eventually making a complaint.

In order that a successful policy and educational effort be implemented, there must be an institutional commitment through the President and/or Provost that is communicated to the university community. The policy statements concerning sexual harassment that are found not only in the "sexual harassment policy," but are also set forth in faculty and students handbooks must make this commitment clear. The President, Provost, and all academic and other units of the institution must actively support the establishment and coordination of campus-wide informational and educational programs. The institution should monitor its handling of sexual harassment complaints through maintaining basic information on all such complaints determined to have substance in a central repository under the control of its affirmative action officer.

At the University of Florida educational efforts were accomplished through various units. The Office of Academic Affairs conducted educational sessions for administrators in each academic unit. The Office of Affirmative Action is to conduct such sessions for all other employees. The Office of Student Affairs developed student information and will conduct workshops for students and staff members who work with students.

The Office of Informational Services played a significant part in developing and disseminating the information presented to the University

community through the brochure and video tape presentations. The General Counsel's Office was responsible for developing certain procedures concerning sexual harassment for outside persons working at the University as well as providing legal advice through the policy-making process.

Because of the critical importance of administrators and supervisors in preventing, stopping, and dealing with sexual harassment, their education on the sexual harassment policy and complaint procedures was given high priority. Their responsibility of reporting, reviewing, and investigating complaints, taking corrective action to prevent sexual harassment, and educating other employees concerning the sexual harassment policy must be communicated to them and was emphasized through the educational process conducted by the University of Florida.